

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

YAD ITERAM BRALINE, LLC,

Plaintiff,

v.

No. 1:25-cv-00467-VSB

YAAKOV KLUGMANN,

Defendant.

DEFENDANT'S ANSWER, GENERAL DENIAL, AND DEFENSES

Pursuant to Rules 8(b), 12, and 81(c) of the Federal Rules of Civil Procedure, Defendant Yaakov Klugmann submits his Answer, General Denial, and Defenses as follows.

ANSWER AND GENERAL DENIAL

Plaintiff YAD Iteram Braline, LLC initiated this action in the Supreme Court of the State of New York, County of New York (the “State Court”) by filing a Summons and a Notice of Motion for Summary Judgment in Lieu of Complaint along with accompanying papers (the “Summary Judgment Motion”). Plaintiff did not file a complaint or any other paper that would constitute a pleading under Rule 7 of the Federal Rules of Civil Procedure. Neither Plaintiff’s Summary Judgment Motion nor any other paper filed in the State Court conforms to the requirements for a complaint or other pleading under Rule 8(a). Accordingly, Defendant cannot submit an answer that conforms to Rule 8(b)(1). Nevertheless, solely out of an abundance of caution—as Rule 81(c) provides that “[a] defendant who did not answer before removal must answer or present other defenses or objections under these rules within” certain time periods—Defendant files this answer and denies generally, pursuant to Rule 8(b)(3) or otherwise, that he is liable to Plaintiff as asserted in the Summary Judgment Motion or on any other basis.

DEFENSES

Without assuming the burden of proof where it otherwise rests with Plaintiff, Defendant pleads the following defenses:

1. Plaintiff fails to state a claim upon which relief can be granted.

RESERVATION

Defendant expressly and specifically reserves the right to amend this pleading to add, remove, or modify defenses based on legal theories, facts, and circumstances that may or will be divulged through discovery and/or further legal analysis of Plaintiff's positions in this litigation.

* * *

WHEREFORE, having answered to the best of his ability, given Plaintiff's failure to file a complaint, Defendant requests that this action be dismissed with prejudice; that judgment be entered in Defendant's favor; that costs be taxed against Plaintiff; and that Defendant be awarded such additional relief as the Court deems just and proper.

Dated: January 23, 2025
New York, New York

/s/ Israel Dahan
Israel Dahan
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